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8           **IN THE UNITED STATES DISTRICT COURT**  
9           **FOR THE WESTERN DISTRICT OF WASHINGTON**  
10           **AT TACOMA**

11 MAUREEN MURPHY, *et al.*,

12           Plaintiffs,

13           v.

14 GINA RAIMONDO, *et al.*,

15           Defendants.

16           Case No. 3:22-cv-05377

17           **STIPULATED MOTION FOR LEAVE TO**  
18           **FILE OVER-LENGTH BRIEF**

19           **NOTE ON MOTION CALENDAR:**  
20           July 20, 2022

1 Pursuant to Local Civil Rule 7(f), Defendants respectfully move the Court to file an over-  
2 length brief in support of their forthcoming motion for summary judgment. Specifically, Defendants  
3 seek leave to file a brief of no more than 36 pages in support of their motion for summary judgment.  
4 In support of this motion, Defendants submit the following:

5 1. On May 24, 2022, Plaintiffs filed a complaint challenging the U.S. Census Bureau's  
6 authority to compel individuals to respond to the American Community Survey (ACS). ECF No. 1.  
7 The complaint contains six counts. Counts 1 and 2 assert that the Census Bureau lacks statutory  
8 authority to compel Plaintiffs to respond to the ACS and to interpret the failure to respond to the  
9 ACS as a crime punishable by a fine of up to \$5,000. Compl. ¶¶ 59–74. Counts 3 and 4 assert in the  
10 alternative that even if the Census Bureau has statutory authority, then the statutes are unconstitutional  
11 because they violate the nondelegation doctrine. *Id.* ¶¶ 75–91. Plaintiffs also allege that if the Census  
12 Bureau has statutory authority to administer the ACS, then the statutes violate the First Amendment  
13 (Count 5, Compl. ¶¶ 92–101) and the constitutional right to privacy (Count 6, Compl. ¶¶ 102–12).  
14 Plaintiffs seek declaratory and injunctive relief enjoining Defendants from (i) requiring Plaintiffs to  
15 answer the ACS, (ii) imposing any monetary fine on Plaintiffs for refusing to answer the ACS, and (iii)  
16 otherwise taking any adverse action against Plaintiffs for refusing to answer the ACS. *Id.* Prayer for  
17 Relief.

18 2. On July 1, 2022, the parties filed a stipulated motion for a briefing schedule, ECF No.  
19 16, which the Court granted, ECF No. 18. Pursuant to that schedule, Defendants' motion for  
20 summary judgment is due on July 26, 2022.

21 3. As discussed at the July 15, 2022 scheduling conference, Plaintiffs' six-count complaint  
22 raises a number of important statutory and constitutional issues. Defendants' forthcoming motion  
23 for summary judgment will address each of the complaint's six counts, as well as the threshold issue  
24 of whether Plaintiffs have standing to pursue their claims. Defendants respectfully request leave to  
25 file a 36-page brief in order to adequately address each of Plaintiffs' claims.

26 4. Defendants have conferred with Plaintiffs regarding Defendants' request for leave to  
27 file a 36-page brief. Plaintiffs initially proposed that the parties agree that each party would have 50

1 pages for their principal brief and 25 pages for their reply brief. Defendants did not agree to Plaintiffs'  
2 proposal because Defendants (i) require only 36 pages for their brief and (ii) believe it is premature to  
3 agree to 50 pages for Plaintiffs' principal brief when Plaintiffs have not yet reviewed Defendants'  
4 principal brief. Instead, Defendants proposed that the parties agree to Defendants' request to file a  
5 36-page brief. Defendants have no objection to Plaintiffs reserving the right to file and filing, if  
6 necessary, a separate motion to enlarge the page limit for their combined cross-motion for summary  
7 judgment and response to Defendants' motion for summary judgment after reviewing Defendants'  
8 motion for summary judgment. Plaintiffs likewise have no objection to Defendants reserving the right  
9 to file and filing, if necessary, a separate motion to enlarge the page limit for their reply in support of  
10 their motion for summary judgment and response to Plaintiffs' cross-motion for summary judgment.  
11 Subject to that understanding, Plaintiffs consent to this motion. A proposed order is attached.

12 DATED: July 20, 2022

13 Respectfully submitted,

14 BRIAN M. BOYNTON  
15 Principal Deputy Assistant Attorney General

16 DIANE KELLEHER  
17 Assistant Branch Director

18 /s/ John Robinson  
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